IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 26TH OCTOBER 2007 / 4TH KARTHIKA 1929

WP(C).No. 21853 of 2006(B)

PETITIONERS:

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1. A.K. SUSMITHA, L.P.S.A., A.L.P. SCHOOL,
   VELLANIKKARA, THRISSUR.

2. V. SREEBA, L.P.S.A., A.L.P. SCHOOL,
   VELLANIKKARA, THRISSUR.

3. ASSORABEEVI. N.A., A.R.A.L.P. SCHOOL
   VELLANIKKARA, THRISSUR.

4. SARITHA V.S., L.P.S.A., A.L.P. SCHOOL,
   VELLANIKKARA, THRISSUR.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY THE
   SECRETARY TO THE GOVERNMENT, GENERAL
   EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF EDUCATION,
   THRISSUR.

3. THE DISTRICT EDUCATIONAL OFFICER,
   THRISSUR.

4. THE ASSISTANT EDUCATIONAL OFFICER,
   THRISSUR EAST.

5. THE HEADMASTER, A.L.P.S. VELLANIKKARA,
   THRISSUR DISTRICT.

BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SR. GOVERNMENT PLEADER SRI. T.T. MAHMOOD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C)NO.21853 OF 2006

APPENDIX

PETITINER'S EXHIBITS

EXT.P1: COPY OF THE GOVERNMENT ORDER CONCERNING STAFF MANAGED SCHOOLS DATED 20.3.71.

EXT.P2: COPY OF THE JUDGMENT IN W.P.(C)NO.29096/04 DATED 5.10.2004 OF THIS HON'BLE COURT.

EXT.P3: COPY OF THE JUDGMENT IN W.P.(C)NO.11359/05 DATED 15.7.05 OF THIS HON'BLE COURT.

EXT.P4: COPY OF THE ORDER PASSED BY THE DEPUTY DIRECTOR, THRISSUR DATED 21.4.06.

EXT.P5: COPY OF THE COMPLAINT SUBMITTED BY THE PETITIONERS BEFORE THE THIRD RESPONDENT HEREIN DATED 25.4.06.

EXT.P6: COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONERS BEFORE THE THIRD RESPONDENT DATED 4/5/06.

EXT.P7: COPY OF THE REQUEST SUBMITTED BY THE PETITIONERS BEFORE THE FOURTH RESPONDENT DATED 5/6/06.

EXT.P8: COPY OF THE REQUEST SUBMITTED BY THE PETITIONERS BEFORE THE FOURTH RESPONDENT DATED 8/7/06.

5TH RESPONDENT'S EXHIBITS

EXT.R5(A): COPY OF THE SHOW CAUSE NOTICE NO.B5/24485/04/04 DATED 12.3.2007.

EXT.R5(B): COPY OF THE REPLY DATED 27.3.2007 TO EXT.R5(A).

EXT.R5(C): COPY OF THE NOTICE DATED 23.3.2006 TO THE 2ND PETITIONER.

EXT.R5(D): COPY OF THE LETTER DATED 6.10.2006 SENT TO R3.

EXT.R5(E): COPY OF THE LETTER NO.E1908/06 DATED 8.2.2007 OF R4.

EXT.R5(F): COPY OF COMPLAINT.

EXT.R5(G): COPY OF RECEIPT NO.36/PTN/C2/GC/07 DTD 18.1.2007 OF SUB INSPECTOR OF POLICE, MANNUTHY.

EXT.R5(H): COPY OF APPLICATION FOR COMMUTED LEAVE FROM 24.8.2006 TO 31.8.2006 SUBMITTED BY R2.

EXT.R5(I): COPY OF NOTICE DTD 19.12.2006.

EXT.R5(J): COPY OF EXPLANATION DTD 22.12.2006.

EXT.R5(K): COPY OF ORDER NO.E5103/04 DTD 2.1.2007.

EXT.R5(L): COPY OF THE LETTER DATED 22.2.2007.

EXT.R5(M): COPY OF THE LETTER DATED 6.3.2007 ADDRESSED TO R3.

TRUE COPY

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)No.21853 OF 2006

Dated this the 26th day of October, 2007

JUDGMENT

The petitioners are lady teachers of A.L.P. School, Vellanikkara, Thrissur, which is a staff managed school. The Headmaster is a male teacher. He is also the Chairman of the Managing Committee of the School. The four lady teachers of the school raised several allegations of misbehaviour including sexual harassment against the Headmaster. Disciplinary proceedings were initiated against him by the Educational Officer. By Ext.P2 judgment of this Court in W.P.(c) No.29096/04, the complaints were directed to be looked into and appropriate action taken. It appears that pursuant to the same, disciplinary proceedings were initiated against the Headmaster which ended in imposition of punishment of reversion as Junior most teacher of the school. The same was challenged by him in W.P. (c) No.11359/05 in which by Ext.P3 judgment, the disciplinary proceedings were quashed with liberty to the Educational Officer to proceed afresh after complying with Rule 75 of Chapter XIVA of the Kerala

Education Rules and principles of natural justice. Pursuant thereto, Deputy Director of Education passed Ext.P4 order. It appears that the D.D.E. had tried to settle the matter amicably and gave six months' time to the Headmaster to correct himself, during which time, the Asst. Educational Officer was directed to monitor his conduct and file a report, based on which, if necessary, appropriate action has to be taken against the Headmaster.

2. According to the petitioners, even thereafter, the Headmaster continued with his illegal activities, against which the lady teachers again filed Exts.P5 to P8 complaints. They have approached this Court complaining of inaction on the part of the Educational Officers and seeking the following relief.

> "i) issue an appropriate writ, order or direction commanding the respondents 2 to 4 to take disciplinary action against the fifth respondent pursuant to Ext.P4 for the violation of the directions in Ext.P3 and also taking into account the various complaints lodged by the petitioners as evident by Exts.P5 to P8 by conducting appropriate enquiry immediately in the instant case, including any disciplinary action warranting termination of the services of the fifth respondent from his official post in the interest of justice."

3. Both the 2nd respondent as well as the Headmaster have filed counter affidavits. I am not inclined to go into the allegations and counter allegations raised by the petitioners as well as the 5th respondent. In the counter affidavit filed by the 2nd respondent in paragraph 4, it has been stated thus:

> " It has been reported by the 4th respondent on 31.1.2007 that he has received Exts.P5,P6,P7 and P8 representations in the monitoring 6 months period. He lastly visited the school on 9.1.2007 and arrived at the conclusion that the 5th respondent is not in the path of getting himself corrected but get worsen ever before. Based on the above report of the 4th respondent the 2nd respondent is about to initiate disciplinary action against the 5th respondent".

4. The learned Government pleader submits that further proceedings could not been taken only because of the pendency of this writ petition.

5. In the above circumstances, the writ petition is disposed of recording the above submission in paragraph 4 of

the counter affidavit and leaving it open to the 2nd respondent to take appropriate action in the matter as warranted by law. I make it clear that I have not considered the rival contentions on merits. This judgment shall not also be taken as any admission by the 5th respondent of what is stated in paragraph 4 of the counter affidavit and it would be open to the 2nd respondent to take evidence and decide the matter in accordance with law. Further action, if found necessary, shall be completed expeditiously.

The writ petition is disposed of as above.

S. SIRI JAGAN, JUDGE

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